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REMARKS

To summarize the current status of the application, Claims 1-31 are pending in the case. U.S. Patent No. 5,154,297 (Farley) has been cited as a category X document against claims 1, 2, 14, 16, 29 and 30 and as a category Y document against claims 3, 4, 16, 17 and 31. U.S. Patent No. 5,277,310 (Mertz) has been cited as a category X document against claims 1, 2, 14-16, 29 and 30 and as a category Y document against claims 3, 4, 16, 17 and 31. By way of this Response, Claims 1 and 14 have been amended and claims 29-31 have been canceled.

RE V. 2.: Novelty objections

The Examiner has objected to claims 1, 2, 14, 16, 29 and 30 on grounds of lack of novelty citing Farley. Farley is directed to a foot assembly that can be attached to the four corners of a box to simulate a pallet. The foot assembly includes an "outwardly projecting portion" to accommodate a reinforcing strip. According to the examiner, Farley teaches a base 14 with openings 36 for receiving the bottom ends of the vertical support posts 40 in interlocking fashion.

Applicants have amended claims 1 and 14 to better distinguish the Farley reference. Amended claims 1 and 14 now require a "unitary base", meaning the base is undivided, whole. Support for this amendment is found in the specification as filed at Figure 2, which shows a unitary

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base. Farley does not teach or suggest this limitation. Instead, Farley teaches a base formed from a box 10 and four foot assemblies 20.

For at least the same reason Applicant submits that dependent claims 2 and 16 are also allowable. Claims 29 and 30 have been cancelled.

Mertz

The Examiner has objected to claims 1, 2, 14-16, 29 and 30 as being anticipated by Mertz U.S. Patent No. 5,277,310. Applicants submit that amended claims 1 and 14 are distinguishable from Mertz for the following reasons:

First, amended claims 1 and 14 require a unitary base, whereas Mertz' base 8 is a "multi-piece base member." (Col. 2, line 6).

Second, amended claims 1 and 14 require that the base and the support post cooperate to prevent the support post from moving laterally. This limitation is supported in the specification as filed at page 4, lines 27-29 among other places. Mertz does not teach this limitation, and Mertz's posts 40 could readily move laterally from the openings shown in Figure 4 were they not glued together by side panels 54 (col. 4, lines 16-18) and baseloid flanges 60 (col. 4, lines 32-34).

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For at least the same reasons Applicant submits that dependent claims 2 and 15-16 are also allowable. Claims 29-31 have been cancelled.

Lack of Inventive Step

Claims 3, 4, 16, 17 and 31 have been deemed to lack inventive step as being obvious over Farley. Applicant submits that claims 3, 4, 14 and 16 are allowable over Farley for at least the same reasons as amended claims 1 and 14. Claim 31 has been cancelled.

Claims 3, 4, 16, 17 and 31 have been deemed to lack inventive step as being obvious over Mertz. Applicant submits that claims 3, 4, 16 and 17 are allowable over Mertz for at least the same reasons as amended claims 1 and 14. Claim 31 has been cancelled.

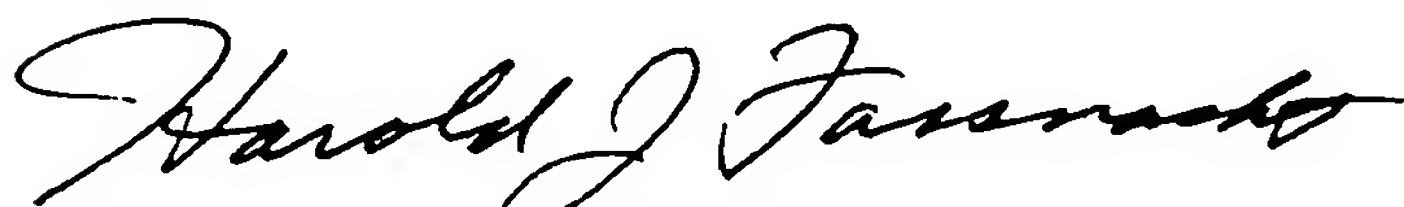
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Applicant believes that the above amendments to the description, claims and drawings and the above remarks are fully responsive to the Examiner's objections. Applicant requests issuance of a favorable Written Opinion. Substitute pages reflecting the amendments are attached.

Respectfully submitted,



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Attachments

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